

Plaintiff's Name James W. Millner  
Inmate No. F-83475  
Address K.V.S.P. P.O.Box 5104  
C-2-110  
Delano, Ca.93216

**FILED**

SEP 10 2014

CLERK U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY [Signature]  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

James W. Millner  
(Name of Plaintiff)

1:13-CV-02029-SAB (PC)  
(Case Number)

vs.

Martin Biter, ET AL., KVSP  
All John Does Involved KVSP  
All Defendants Involved KVSP  
All KVSP Medical Staff Involved  
All KVSP Mental Health Involved  
J. Anderson Correctional Sergeant KVSP  
(Names of all Defendants)

**AMENDED CIVIL RIGHTS COMPLAINT UNDER:**

- 42 U.S.C. 1983 (State Prisoner)
- Bivens** Action [403 U.S. 388 (1971)] (Federal Prisoner)

**RECEIVED**

SEP 10 2014

CLERK U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY [Signature]  
DEPUTY CLERK

**I. Previous Lawsuits (list all other previous or pending lawsuits on additional page):**

- A. Have you brought any other lawsuits while a prisoner? Yes \_\_\_\_\_ No X
- B. If your answer to A is yes, how many? \_\_\_\_\_

Describe previous or pending lawsuits in the space below. (If more than one, attach additional page to continue outlining all lawsuits in same format.)

**1. Parties to this previous lawsuit:**

Plaintiff \_\_\_\_\_  
Defendants \_\_\_\_\_

**2. Court (if Federal Court, give name of District; if State Court, give name of County)**

**3. Docket Number** \_\_\_\_\_ **4. Assigned Judge** \_\_\_\_\_

**5. Disposition (Was the case dismissed? Appealed? Is it still pending?)**

*James W. Millner 8-21-14*

**II. Exhaustion of Administrative Remedies**

**NOTICE:** Pursuant to the Prison Litigation Reform Act of 1995, "[n]o action shall be brought with respect to prison conditions under [42 U.S.C. § 1983], or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." 42 U.S.C. § 1997e(a). Prior to filing suit, inmates are required to exhaust the available administrative remedy process, *Jones v. Bock*, 549 U.S. 199, 211, 127 S.Ct. 910, 918-19 (2007); *McKinney v. Carey*, 311 F.3d 1198, 1999 (9th Cir. 2002), and neither futility nor the unavailability of money damages will excuse the failure to exhaust, *Porter v. Nussle*, 534 U.S. 516, 524, 122 S.Ct. 983, 988 (2002). If the court determines that an inmate failed to exhaust prior to filing suit, the unexhausted claims will be dismissed, without prejudice. *Jones*, 549 U.S. at 223-24, 127 S.Ct. at 925-26.

A. Is there an inmate appeal or administrative remedy process available at your institution?

Yes XX No \_\_\_\_\_

B. Have you filed an appeal or grievance concerning ALL of the facts contained in this complaint?

Yes XX No \_\_\_\_\_

C. Is the process completed? Yes and No

Yes XX If your answer is yes, briefly explain what happened at each level.

Adminastrative 602 re issue re hear in litigation

Medical 602 Denied at 3d level

Medical 602 at 2d level

Medical 602 at 3d level

Adminastrative 602 3d level

No \_\_\_\_\_ If your answer is no, explain why not.

**III. Defendants**

List each defendant's full name, official position, and place of employment and address in the spaces below. If you need additional space please provide the same information for any additional defendants on separate sheet of paper.

A. Name Martin Biter is employed as KVSP Warden

Current Address/Place of Employment KVSP P.O.Box 5104 Delano, Ca. 93216

*James W. Millner 8-21-14*

B. Name J. Anderson is employed as Correctional Sergeant KVSP

Current Address/Place of Employment KVSP P.O. BOX 5104 Delano, Ca. 93216

C. Name Officer D. Rodriquez is employed as KVSP Correctional Officer

Current Address/Place of Employment KVSP P.O. Box 5104 Delano, Ca. 93216

D. Name Officer O. Marroquin is employed as KVSP Correctional Officer

Current Address/Place of Employment KVSP P.O. Box 5104 Delano, Ca. 93216

E. Name Patrick Denny is employed as Associate Warden KVSP

Current Address/Place of Employment KVSP P.O. Box 5104 Delano, Ca. 93216

**IV. Causes of Action** (You may attach additional pages alleging other causes of action and the facts supporting them if necessary. Must be in same format outlined below.)

**Claim 1:** The following civil right has been violated (e.g. right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.):

My 8th Amendant Right was violated, Crule And Unusual Punishment.

**Supporting Facts** (Include all facts you consider important to Claim 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, *by name*, did to violate the right alleged in Claim 1.):

(1) Defendant Sergeant J. Anderson; On 7/14/13 Apx. 7:30 pm with two of his Officers, Marroquin and Rodriquez showed up at my cell. Anderson having my ID. in his hand clearly showing myself with a mobility impaired vest on ordered me to step out of the cell and cuffed me from behind, I did as he ordered without resistance.

(2) Anderson on my (R) Rodriquez on my (L) Marroquin lagging behind because I was not resisting to cause Marroquin to take percaution. These Officers-----

CON. NEXT PAGE

*James W. Miller 8-21-14*

111 Defendants Continued Case# 1;13-CV-02029-SAB-(PC)

- 1  
2  
3 F; D. Hicks Correctional Sergeant--KVSP P.O.Box 5104 Delano, Ca. 93216  
4 G; J.S. Díaz Correctional Lieutenant--KVSP P.O.Box 5104 Delano, Ca. 93216  
5 H; Sandoval Correctional Captain--KVSP P.O.Box 5104 Delano, Ca. 93216  
6 I; W. Sweetser Correctional Officer--KVSP P.O.X 5104 Delano, Ca. 93216  
7 J; J. Pelago Correctional Officer--KVSP P.O.Box 5104 Delano, Ca. 93216  
8 K; R. Sulier Correctional Officer--KVSP P.O.Box 5104 Delano, Ca. 93216  
9 L; P. Vera A.W. Chief Disciplinary Officer KVSP P.O.Box 5104 Delano, Ca. 93216  
10 M; Pair Medical L.V.N. KVSP P.O.Box 5104 Delano, Ca. 93216  
11 N; DR. Mui. Tella Med. for Valley Fever KVSP Delano, Ca. 93216 P.O.Box 5104  
12 O; DR. Lozovoy M.D.--KVSP P.O.Box 5104 Delano, Ca. 93216  
13 P; DR. Chin M.D.--KVSP P.O.Box 5104 Delano, Ca. 93216  
14 Q; DR. L. Dileo M.D.--KVSP P.O.Box 5104 Delano, Ca. 93216  
15 R; Cal. Correctional Health Care Services-P.O.Box 588500 Elk Grove, Sac. Cal. --  
16 ---95758-8500  
S; DR. N. Kumar Psychiatrist M.H.--KVSP P.O.Box 5104 Delano, Ca. 93216  
17 T, J. Blackwell CC 2 Correctional Counselor--P.O.Box 5104 Delano, Ca. 93216  
18 U; Hixon Dyd. Captain--KVSP P.O.Box 5104 Delano, Ca. 93216  
19 V; Waddle Correctional Lieutenant--KVSP P.O.Box 5104 Delano, Ca. 93216  
20 W; Williams Correctional Sergeant--KVSP P.O.Box 5104 Delano, Ca. 93216  
21 X; Asarulislam Syed M.D. Chief Psychiatrist--KVSP P.O.Box 5104 Delano, Ca. --  
22 93216  
Y; R. Speidell Correctional Lieutenant--KVSP P.O.Box 5104 Delano, Ca. 93216  
23 Z; Unnamed C.M.O.--KVSP P.O.Box 5104 Delano, Ca. 93216  
24 ;;; All M.H. Medical Staff Found Upon Discovery At KVSP Delano, Ca. 93216  
25  
26  
27  
28

*James W. Miller 9/21/14*

1 (2) were escorting me from Dyd.4blk.around the yard on the pavement to  
2 Dyd.Program Office,Apx.200 yd.escort.Myself having 8 back surgeries,3  
3 knee and 2 shoulder,also I contracted Valley Fever at KVSP in July 2012  
4 causing pneumonia,Lesions and scaring in my lung,Anemia and chest pain,  
5 making it very hard to breathe or get oxygen.I also have an injured C-Spine  
6 levels 5-6-7causing mobility impairment.I told Anderson and Rodriquez  
7 that I could not keep up at there fast pace and I could not breathe due to  
8 my A.D.A.disabilities.

9 (3) Anderson told me that if I did not keep up that I was going down.It  
10 was Apx. half way through the escort that I was lagging behind due to  
11 my disabilities,that Anderson acted with vengeance,cruelty,and meanness,  
12 with the deliberate indifference to my serious medical needs,wanting to  
13 inflict pain on me to show off infront of his fellow officers his brute  
14 strength,using Excessive force,Under The ColorOf Law,on a A.D.Adisabled  
15 Mental Health,elder inmate.Anderson pulling me foward,grabed hold of my  
16 neck,pulled me to the pavement,cutting off my air supply that I so desp--  
17 ratly needed as he was grinding my head and face into the pavement.

18 (4) Andersons (L) side of his body was over my (R) his size 15 boot was  
19 kicking down on my(R)foot and anchle,his (L)knee was shoved into the  
20 back of my (R)knee.Anderson caused several spirole fractures to my (R)foot  
21 and injuring my (R)anchle,(R)knee,(R)shoulder,neck,(R)side of my head and  
22 face.

23 (5) If I was to cut off another Beings air supply,at any time or any reason  
24 and the Being lived,I would be charged with attempted murder.Anderson clearly  
25 caused me GBI in the act of tring to murder me.Medical and Incident reports  
26 alone shows he is guilty of excessive use of force,under the color of law,  
27 crule and unuseul punishment,clearly violating my 8th Amendant Right.Making  
28 the Pleader entitled to Relief. *including mental injury.*

*James W. Millner 8-21-14*

1 COUNT#11 DEFENDANT OFFICER D.RODRIQUEZ CASE# 1;13-CV-02029-SAB-(PC)

2 (1) DEFENDANT D.RODRIQUEZ SUPPORTING FACTS;C/O Rodriquez on 7/14/13 was  
3 escorting me from Dyd.4blk.around the yard on the pavement to Dyd. program  
4 office,Apx.200 yd escort.Rodriquez assisting Defendant Anderson escorting  
5 me from my (L)side acted in concert with Anderson escorting me from the  
6 (R)taking me down to the pavement,even though I had notified Rodriquez  
7 that I was not resisting but unable to keep up with there fast pace escort  
8 due to my A.D.A. disabilities.He helped Anderson pushingme down to the  
9 pavement, by pushing down on my upper back,lifting up on the cuffs,hurting  
10 my arms and shoulders.Anderson first put this violent act in motion,then  
11 Rodriquez followed his leed.Rodriquiz did not have to empress his super--  
12 viser by acting inconcert with him in the excessive use of force,  
13 (2) Rodriquez could of stoped this excessive force by reminding Anderson  
14 that I was a disabled inmate,having trouble breathing and keeping up  
15 with there fast pace escout.Rodriquiz is as guilty as Anderson acting  
16 inconcert in the use of excessive use of force,causing G.B.I.resulting  
17 from the violent act of tring to murder me.Rodriquez actions during this  
18 escort is a clear violation of my Civil Right,to be free of crule and  
19 unusual punishment,making the Pleader intitled to relief. *including mental injury*

20  
21 (1) DEFENDANT OFFICER O.MARROQUIN SUPPORTING FACTS;Marroquin on 7/14/13  
22 was escorting me Dyd.4blk.around the yard on the pavement to Dyd.program  
23 ,Apx.200yd.escort.Marroquin was assisting Defendant Adderson and Defendant  
24 Rodriquez in this escort lagging behind because I was not resisting causing  
25 him concern.Marroquin acted in concert after Sergeant anderson and C/O  
26 Rodriquez did the violent act of excessive use of force,under the color of  
27 law.Anderson and Rodriquez took me to the pavement,face down atempting  
28 to murder me by cutting off my air supply and causing G.B.I. CON.NEXT pg.

*James W. Mullner 8-21-14*

1 DEFENDANT O. MARROQUIN SUPPORTING FACTS CASE# 1;13-CV-02029-SAB-(PC)CON...

2 (2) Marroquin instead of notifying the other two Officers that I had A.D.A  
3 disabilities and was having trouble keeping up with the fast pace escort  
4 as he was being vertically challenged. Marroquin ran up from behind shoving  
5 his knee into my (L) spine with 8 prior surgeries, pushing my arms up further  
6 causing severe pain and further injury.

7 (3) Marroquin acted in concert with Anderson and Rodriguez in the violent  
8 act of excessive use of force and the attempted murder of my self causing  
9 G.B.I. under the color of law. Clearly violating my 8th Amendant Right-  
10 crule and unusual punishment, making the pleader intitled to relief. *including*  
11 *mentel injury*

(7/14/13 Dyd.)

12 (1) DEFENDANT OFFICER J. PELAGO COUNT 1 SUPPORTING FACTS; Pelago called  
13 in a false report that I assulted LVN Ngadjou with a pill capsule that  
14 put a violent escort in motion. The escort involved the excessive use of  
15 force with the attempted murder of myself, causing G.B.I. on Dyd.

16 (2) Pelago did not notifi the escorting Officers that I was A.D.A. mobility  
17 impaired and suffering from Valley Fever symptions.

18 (3) Pelago watched the escort from the door on 4blk. Dyd and seen this  
19 violent act taking place without tring to stop it or assist me, He didnt  
20 even report the excessive use of force to his supervisors. Pelagos job  
21 tittle demands him to stop other officers that he may witness using excessive  
22 force on a inmate and to report it to the proper supervisor. Pelago is  
23 guilty of acting in concert by puting this violent escort in motion and  
24 by(not) tring to stop it or even report the excessive use of force, clearly  
25 violating my 8th. Amendant Right, crule and unuseual punishment. Making the  
26 pleader intitled to relief, *including mental injury*

27  
28  
*James W. Muller 8-21-14*

1 COUNT #1 DEFENDANT W. SWEETSER SUPPORTING FACTS CASE # 1;13-CV-02029-SAB\_(P

2 (1) On 7/14/13 Officer Sweetser Dyd. Floor C/O did not notify three escorting  
3 Officers that were going to be escorting me from Dyd 4blk to the program  
4 Program office that I was A.D.A. mobility impaired. The escort ended up in  
5 Officers using excessive force in the attempted murder of myself and causing  
6 G.B.I. because I was unable to keep up with the escorting Officers due to  
7 my disabilities. A.D.A.

8 (2) Sweetser watched the escort from the door on 4blk Dyd. and seen this  
9 violent act take place without trying to stop it, or assist me, he didn't even  
10 report the excessive use of force to the proper supervisor. Sweetser's  
11 job title demands him to stop other Officers that he may witness using  
12 excessive force on an inmate and to report it to the proper supervisor.

13 (3) Sweetser is guilty of acting in concert by putting this violent  
14 escort in motion and by (not) trying to stop it or even report the excessive  
15 use of force, clearly violating my 8th Amendment Right, cruel and unusual  
16 punishment. Making the Pleader entitled to relief, *including mental injury*

17  
18 COUNT 1 DEFENDANT OFFICER R. SULIER SUPPORTING FACTS; Controle Officer  
19 R. Sulier in 4blk Dyd did not notify three escorting Officers that were  
20 going to be escorting from his blk. to the program Office that I was A.D.A.  
21 mobility impaired. The escort ended up with three Officers using excessive-  
22 force in the attempted murder of myself and causing G.B.I. because I was  
23 unable to keep up with the Officers due to my A.D.A. disabilities.

24 (2) Sulier watched the escort from the 4blk Tower Dyd. and seen this violent  
25 act taking place without using means within his power to stop the use  
26 of excessive force on me or even to report it to his supervisor. ~~Sulier~~

27 (3) ~~Sulier~~ is guilty, acting in concert by watching excessive force being  
28 used on me. By not trying to stop it or even report the---CON. NEXT PAGE

*James W. Mullin 8-21-14*



1 COUNT 1 DEFENDANT OFFICER SOLIER SUPPORTING FACTS; CONTINUED--

2 (3)excessive use of force,clearly violating my 8th.Amendant Right,crule  
3 and unuseual punishment.Making the Pleader intitled to relief, *including*  
4 *mental injury*

5 DEFENDANT L.V.N. PAIR COUNT 1;Pair watched from the Dyd medical door  
6 Officers Sgt.Anderson,C/O Marroquin,C/O Rodriquez, on 7/14/13 Apx.7;30 pm  
7 ingage in the excessive use of force and the attempted murder causing G.B.I.  
8 when these Officers were escorting me from 4blk Dyd to Dyd program office.

9 (2) Pair being a State employee with a job title that requires him to stop  
10 the excessive use of force on an inmate when witnessed and to report the  
11 act to his supervisor.Pair did none of the above,but acted in concert  
12 with the asultion me by these Officers.Pair is gulty by watching ecessive  
13 use of force being used on me.By (not) tring to stop or even report this  
14 violent act to his supervisor,clearly violating my 8th Amendant Right,  
15 crule and unuseual punishment,making the Pleader intitled to relief, *including*  
16 *mental injury*

17 Dear;Judge Boone,Clerk Of The Court;Thank You for reading my complaint.

19 SINCERLY

20 James W.Millner F.83475  
21 KVSP P.O.Box 5104 C-2-110  
22 Delano, Ca.93216

25 *James W Millner 8-21-14*

28

DEFENDANT SERGEANT ANDERSON CASE # 1;13-CV-02029-SAB-(PC) CONTINUED ON PG 1---

**Claim 2:** The following civil right has been violated (e.g. right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.):

My 8th Amendment Right, Right to medical care, resulting in crule and unuseual--  
punishment. With deliberate indefference to my serious medical needs. Failure  
to summon medical care when there is knowledge for my immediate medical need.

Supporting Facts (Include all facts you consider important to Claim 2. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, *by name*, did to violate the right alleged in Claim 2.):

DEFENDEANT OFFICER D. RODRIQUEZ; on 7/14/13 Apx 7;30 pm was escorting me from  
Dyd 4 blk to Dyd program office, After acting in concert with Sgt. Anderson  
and C/O Marroquin in the use of excessive force and the attempted murder of  
James W. Millner Causing G.B.I. broken foot, anchle and several other injuries  
did not summon medical help but forced me to walk on my G.B.I.s to the program  
office in severe pain. Rodriquez is guilty of crule and unuseual punishment  
that he used on me, clearly a violation of my 8th Amendment Right. Making the  
Pleader intitled to relief.

COUNT 1 DEFENDANT OFFICER O. MARROQUIN; on 7/14/14 Apx. 7:30 pm was escorting  
me from Dyd 4blk to Dyd program office. After actin in concert with Sgt. Anderson  
and C/O Rodriquez in the use of excessive use of force and the attempted -----

CONTINUED ON Pg 6

*James W. Millner 8-21-14*

1 (1) murder of James W.MILLNER, causing G.B.I. broken foot, ankle and  
2 several other injuries did (not) summon medical help but forced me to  
3 walk on my G.B.I.s to the program office in severe pain. Marroquin is guilty  
4 using crule and unuseual punishment on me, clearly a violation of my 8th.  
5 Amendment Right. Making the Pleader intitlled to relief, *including mental injury*  
6 (1) DEFENDANT OFFICER W.SWEETSER SUPPORTING FACTS; On 7/14/13 Apx. 7;30 pm  
7 Sweetser watched Defendants Anderson, Marroquin, Rodriquez escorting me from  
8 Dyd 4blk to the Dyd program office. Apx 100 yds into the escort he watched  
9 these three officers use excessive force and attempt to murder me causing  
10 G.B.I.s and then watched them after the assult make me walk on a broken  
11 foot and several other injuries Apx 100 yds to the program office.

12 (2) Sweetser did(not) summon medical help for me, knowing I have A.D.A.  
13 disabilits and he did (not) notify escorting officers of that fact. Sweetser  
14 is guilty of violating my 8th Amendment Right, crule and unuseual punishment  
15 for failure to summon medical care, making the Pleader intitlled to relief,  
16 *and mental injury*

17 DEFENDANT OFFICER R.SULIER SUPPORTING FACTS COUNT 2; On 7/14/13 Apx 7;30 pm  
18 Control tower officer Sulier for 4blk Dyd watched defendants Sgt. Anderson,  
19 Marroquin, Rodriquez escorting me from Dyd 4blk to the Dyd program office  
20 Apx. 100yds into the escort he watched these three officers use excessive  
21 force and attempt to murder me causing me G.B.I.s and then watched after  
22 the assualt make me walk on a broken foot and several other injuries ~~to~~  
23 Apx. 100 yds to the program office.

24 (2) Sulier did(not) summon medical help for me that was within his reach,  
25 knowing I have A,D.A. disabilities and that knowing that he did (not)  
26 notify the three escorting officers of that fact. Sulier is guilty of  
27 violating my 8th Amendment Right, crule and unuseual punishment, for failure  
28 to summon medical care, making the Pleader intitlled to relief.

*James W. Millner 8-21-14*

1 (1) DEFENDANT J.PELAGO SUPPORTING FACTS COUNT 2; ON 7/14/13 Apx.7;30 pm  
2 Pleago watched defendants Sgt.Anderson,Marroquin,Rodriquez,escorting me  
3 from Dyd 4blk to the Dyd program office,Apx.a 100yds into the escort,he  
4 watched these officers use excessive force and attempt to murder me,causing  
5 G.B.I.s brooken foot and several other injuries.after he watched the assault  
6 he watched them force me to walk on a broken foot,and several other injuries  
7 Apx 100 yds to the program.office.

8 (2) Pelago did (NOT)summon medical care for me,knowing that I have A.D.A.--  
9 disabilites,and he did(NOT)notify the escorting officers of that fact.  
10 Pelago is guilty of violating my 8th Amendment Right,crule and unuseual--  
11 punishment for the failure to summon medical care,making the Pleader  
12 intitled to relief.

13  
14 (1) DEFENDANT L.V.N.PAIR SUPPORTING FACTS COUNT 2;On 7/14/13 Apx 7;30pm  
15 Pair watched Defendants Sgt.Anderson,Marroquin,Rodriquez, escorting me  
16 from the Dyd Medical door,from 4blk Dyd to the Dyd program office.Apx.100yds  
17 into the escort he watched these three officers use excessive force and  
18 attempt to murder me,causing me G.B.I.s broken foot and several other injuries.  
19 Apx 100yds into the escort,Pair did (not)summon medical care for me,knowing  
20 that I have A.D.A.disabilites,and he did not notify the escorting officers  
21 of that fact,Pair instead watched the escorting officers force me to walk  
22 on my G.B.I.s Apx.100yds to the program office.

23 (2) L.V.N.Pair is guilty of violating my 8th Amendment Right,crule and--  
24 unuseual punishment by(not)summoning medical care,making the Pleader  
25 intitled to relief.

26  
27 (1) DEFENDANT SERGEANT J.ANDERSON SUPPORTING FACTS,COUNT 2;On 7/14/13 Apx.--  
28 7;30 pm Anderson with two of his officers,Marroquin,Rodriquez,were escorting

1 (1) me from 4 blk Dyd to the Dyd program office. Apx. a 200yd escort around  
2 the yard on the pavement. About half way through the escort, I was unable  
3 to keep up with Andersons fast pace escort due to my A.D.A. disabilities.  
4 He forced me down to the pavement, attempting to murder me, causing G.B.I.  
5 broken foot and several other injuries. Anderson having my A.D.A. I.D. in  
6 his pocket, did (not) summon medical help for me, knowing I was suffering  
7 from my G.B.I. Anderson forced me to walk on my G.B.I. Apx 100yds to the  
8 program office in severe pain.

9 (2) At this point I was so shook up and in pain that I attempted suicide  
10 in the program office. At the request of Associate Warden, Defendant Patrick  
11 Denney had Anderson take me to Delano Hospital for treatment, putting me  
12 in grave danger, after Anderson just assaulted me with excessive use of  
13 force, attempting to murder me, causing my G.B.I.s.

14 (3) Anderson would not let me use a wheel chair or ambulating device, but  
15 forced me to walk on my G.B.I. in severe pain. At the hospital the DR.  
16 found several fractures in my foot and offered crutches, but Anderson denied  
17 me them, or a wheel chair, forcing me to walk clear across the hospital  
18 parking lot to the car on my G.B.I. then from CTC to B-2 in severe pain.

19 (4) At the hospital Anderson sent his partner Defendant Marroquin to the  
20 store leaving me alone with him and (two) guns. With my restraints off  
21 Anderson kept saying, go for it, so I can blast your ass. Again walking  
22 to the car from the hospital Anderson repeated, go for it so I can blast  
23 your ass. I was put into a medical condition called grave danger, in fear  
24 for my life that night.

25 (5) Anderson clearly violated my 8th Amendment Right, crule and unuseal=  
26 punishment, with deliberate indifference to my medical needs. Making the  
27 Pleader intitled to releif.

28

*James W. Miller 8-21-14*

[Lined area with a dashed diagonal line crossing through it, likely representing redacted or crossed-out text.]

**V. Relief**

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I am sueing all Defendants in a individaul capacity, under the Civil Rights--  
ACT. 8th Amendant, crule and unuseual punishment, with deliberate indeference  
to my serious medical needs. Failure to summon medical care. Freedom from the  
use of excessive force, stress added to my mental health issues leading to the  
atempted suaside of myself. Jury trial demanded, motion the Court to ask a  
Attorney if he or she would take my case, I can secure the fees--\$\$ . seeking  
money damages, Lawer fees, Court costs.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 8/21/14

Signature of Plaintiff: James W. Miller

(Revised 4/4/14)

1 Pg 9 COUNT 2 SUPPORTING FACTS CASE# 1;13-CV-02029-SAB-(PC)

2 (1) DEFENDANT PATRICK DENNEY, On 7/14/13 Apx 10;00 pm Denney ordered  
3 defendant Anderson and Marroquin, right after they assaulted me with exces--  
4 ive force and attempted murder, causing serious G.B.I. raising my mental  
5 health stress level to the point that I attempted suicide, to take me out  
6 to Delano Hospital for X rays on my G.B.I. I was treated badly and  
7 cruley by these two officers, threatening to shoot me, they would not let  
8 me have a wheel chair or ambulating device for my broken foot leaving  
9 me to suffer in pain walking on it.

10 (2) Denney put me in grave danger, in fear for my life that night. Fear  
11 of dying is a M.H. and medical condition. Denney allowed these officers  
12 to transport me, to put fear in me, trying to cover these officers' tracks  
13 concerning their excessive use of force that caused my G.B.I. and mental  
14 stress.

15 (3) Denney allowed me to be transferred to HDSP on 7/17/13 for two weeks  
16 for a M.H. followup without letting me see an Ortho DR. The hospital DR.  
17 gave the order to Denney, that I needed to see an Ortho first thing in  
18 the morning. Denney did not comply, or even let me see a medical DR. before  
19 the 10hr transfer that I suffered in severe pain.

20 (4) Denney trying to avoid the G.B.I. issues by transfer, only caused further  
21 G.B.I. at HDSP, due to the fact that I did (NOT) receive proper medical  
22 care before leaving KVSP.

23 (5) Patrick Denney clearly violated my 8th Amendment Right, crule and  
24 unuseual punishment, inadequate medical or (no) medical care with delib-  
25 erate indifference, to my serious medical need. There was physical injury,  
26 thus allowing for mental injury with deliberate indifference to a serious  
27 mental health need. These acts by Patrick Denney clearly intitles the  
28 Pleader to relief.

*James W. Miller 8-21-14*

1 Pg 10 COUNT 2 SUPPORTING FACTS CASE # 1;13-CV-02029-SAB-(PC)

2 (1) DEFENDANT D.HICKS--DEFENDANT J.S.DIAZ--DEFENDANT SANDOVAL; On 7/15/13  
3 in ad-seg did a mandatory video taped interview within 24hrs. of an inmate  
4 being assaulted, with the excessive use of force, causing G.B.I. These officers  
5 in the interview told me they would see to it that all my medical needs  
6 were met. I was not allowed to see an Ortho. or even a DR. but conspired to  
7 transfer me to HDSP to avoid KVSP institution liability For the officers-  
8 defendants that used excessive force, the attempt to murder, causing G.B.I.  
9 (on) James Millner-Plaintiff.

10 (2) These Defendant officers, D.Hicks, J.S.Diaz, Sandoval, try to avoid  
11 these issues only caused further G.B.I. at HDSP, due to the fact that I  
12 did (not) receive proper medical care before leaving KVSP.

13 (3) These three defendants above clearly violated my 8th Amendment Right,  
14 crule and unuseual punishment, inadequate medical or (no) medical with  
15 deliberate indifference to my serious medical need. There was a physical  
16 injury, thus allowing for mental injury with delirrate indifference to a  
17 serious mental health need. The acts of these three defendants clearly  
18 intitles the Pleader to relief.

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*James W Millner 8-21-14*



1 PG 11 COUNT 2 SUPPORTING FACTS CASE# 1;13-CV-02020-SAB\_(PC)

2 (1) DEFENDANT DR.MUI.I contracted Valley Fever at KVSP in 7/--/12 DR MUI  
3 did nothing to treat the side affects that I have and had from the Valley--  
4 Fever.Lung scaring,Lung lesions,Anemia-low hemogloben.Causing shortness  
5 of breath,fainting,chest pain.Dr Mui's actions lead to three defendants  
6 On 7/14/13 Dyd at KVSP during an escort to use excessive force with the  
7 atempt to murder me causing G.B.I. because I was unable to keep up with  
8 with there fast pace escort.On 7/17/13 I was sent to HDSP. untreated,  
9 fainting with G.B.I. causing further G.B.I. to my (L) wrist,arm that  
10 was broken,due to fainting,with the other G.B.I.-broken foot giving me  
11 NO assistance.

12 (2) DR.Mui is guilty of violating my 8th Amendant Right,crule and unuseual  
13 punishment,inadequate medical care,deliberate indifference to a serious  
14 medical need.There was physical injury making the mental injury that  
15 lead to the attempted suiside valid.Making the pleader intitled to relief.

16  
17 (1) DEFENDANT DR.LOZOVOY.I contracted Falley Fever at KVSP in 7/-/12.I  
18 seen Dr Lozovoy concerning the side effects I had from the Valley Fever.  
19 Lung scaring,lung lesions,anemia-low hemogloben,Causing shortness of  
20 breath,fainting,chest pain.I had an enterview with him concerning the  
21 second level of a medical 602 concerning these Valley Fever side effects.  
22 Dr Lozovoy DENIED my 602 asking for medical relief to have these side  
23 effects treated and was forced to file at the third level.

24 (2) Dr.Lofovoy's actions led to three defendants on 7/14/13 Dyd at KVSP  
25 durning an escort to use excessive force with the atempt to murder me  
26 causing G.B.I. because I was unable to keep up with there fast pace  
27 escort.

28 (3) 7/17/13 I was sent to HDSP untreated,fainting,with G.B.I.-----

CONTINUED ON Pg 12

*James W. Muller 8/21-14*

1 PG 12 COUNT 2 SUPPORTING FACTS CASE #1;-13-CV-02029-SAB-(PC)--CONTINUED

2 (3) DR LOZOVY CONTINUED; causing further G.B.I. to my (L)wrist-arm that  
3 was broken due to fainting,with the other G.B.I.-broken foot giving me  
4 (no) assistance.

5 (4)DR.Lofovoy is guilty of violating my 8th Amendant Right,crule and  
6 unuseual punishment,inadequate medical care,deliberate indifference to  
7 a serious medical need.There was physical injury making the mental injury  
8 that lead to the atempted suiside valid.Thus making the pleader intitled  
9 to relief.

10

11 (1) DEFENDANT DR.CHIN;I contracted Valley Fever at KVSP in 7/--/12 DR.  
12 chin did nothing to treat the side effects I have and had from the Valley  
13 Fever.Lung scaring,lung lesions,anemia-low hemogloben,causing shortness  
14 of breath,fainting,chest pain.DR Chin told me that the symptoms you are  
15 left with you will have the rest of your life,so deal with it.~~XXXXXXXXXX~~

16 (2) on 4/23.2012 DR.Chin had my A.D.A. vest removed from my person on  
17 Dyd because he clames that he saw me block a soccor ball with my cane.  
18 leaving me naked with my A.D.A. disabilites.If I would of had my A.D.A.  
19 vest,the incident that happened on 7/14/13 Dyd may not of(transpired).

20 (3) DR Chin's actions lead to three defendants on 7/14/13 Dyd at KVSP  
21 during an escort to use excessive force with the atempt to murder me  
22 causing G.B.I.because I was unable to keep up with there fast pace  
23 escort,(NO)A.D.A.vest,

24 (4) 7/17/13 I was sent to HDSP untreated,fainting,with G.B.I. causing-  
25 further G.B.I. to my (L) wrist-arm that was broken due to fainting,  
26 with the otherG.B.I. -broken foot giving me (no) assistance.

27 (5)DR.Chin is guilty of violating my 8th Amendant Right,crule and unuseual  
28 punishment,inadequate medical care, -----CONTINUED ON PG.13

*James W. Muller 8/21/14*

1 Pg 13 COUNT 2 SUPPORTING FACTS CASE # 1;13-CV-02029-SAB-(PC) CONTINUED--

2 (5) deliberate indifference to my serious medical need and A.D.A. needs.

3 There was physical injury making the Mental injury that lead to the  
4 attempted suicide valid. Thus making the pleader intitled to relief.

5  
6 (1) DEFENDANT DR. DELIEO; is my primary DR. I sought relief from him  
7 for the side effects of Valley Fever that I contracted at KVSP in 7/-/12.  
8 SIDE effects consisted of lung scaring, lung lesions, anemia-low hemoglobin,  
9 causing shortness of breath, fainting, chest pain. DR. Delieo would not treat  
10 my symptoms but would tell me to take it up with DR. Mui, he would never  
11 schedule an appointment with DR. Mui.

12 (2) DR. Delieo's actions lead to three defendands on 7/14/13 Dyd KVSP  
13 during an escort to use excessive force with the attempt to murder me,  
14 causing G.B.I. because I was unable to keep up with there fast pace escort.

15 (3) On 7/17/13 I was sent to HDSP untreated, causing further G.B.I. to  
16 my (L) wrist-arm that was broken due to fainting, with the other G.B.I.  
17 broken foot giving me (no) assistance.

18 (4) It took DR. Delieo over two Mounths to get me into surgery after  
19 returning back to KVSP suffering in pain. According to Ortho DR. Alade  
20 the time laps waiting for surgery, that was labeled as ergeant, caused  
21 perminment damage to my (L) wrist-arm. DR Delieo left my G.B.I. broken  
22 foot untreated and is still broken as of 8/21/14 and I am waiting for  
23 further surgery on my G.B.I. (L) wrist-arm being non union and grossly  
24 disfigured.

25 (5) DR Delieo is guilty of violating my 8th Amendment Right, crule and  
26 unusual punishment, inadequate medical care, deliberate indifference to  
27 my serious medical need. There was physical injury making the mental injury  
28 that lead to the attempted suicide valid. Thus making the pleader intitled--  
to relief.

*James W. Mulliner 8/21/14*

1 Pg 14 COUNT 2 SUPPORTING FACTS CASE # 1;13-CV-02029-(PC)

2 (1) DEFENDANT J. BLACKWELL; Conspired with defendant Asarulislam Syed to  
3 send me to HDSP for a mental health follow up on 7/17/13 without being  
4 treated for my G.B.I.s including broken bones.that were caused by three  
5 defendants in this case,in the use of excessive force and the atemdted  
6 murder of myself.Defendant Blackwell acted in behalf of defendants in  
7 this case to avoid liability pointed at KVSP by not leting me see a DR  
8 or an Ortho DR.before the transfer to HDSP,(passing the buck).Blackwell  
9 subjected me to serious pain With my G.B.I.s in that ten hr. transfer  
10 to HDSP that lead to further G.B.I. at HDSP because I did not receive  
11 the medical care I needed at KVSP.This rongfull transfer,with lack of  
12 (due process)also caused mental injury.

13 (2) Defendant Blackwell is guilty of violating my 8th Amendant Right,  
14 crule and unuseual punishment,deliberate indefference to my serious  
15 medical need.There was physical injury,making the mental injury valid.  
16 Thus making the Pleader intitlled to relief.

17

18 (1) DEFENDANT ASARULISLAM SYED;Conspired with defendant J.Blackwell to  
19 send me to HDSP for a mental health follow up on 7/17/13 with out being  
20 treated for my G.B.I.s including broken bones,that were caused by three  
21 defendants in this case,using excessive force and the attempted murder  
22 of myself.Asarulislam acted in behalf of the defendants in this case  
23 to avoid libility pointed at KVSP by not letting me see a DR. or an Ortho  
24 DR.before the the transfer to HDSP,(passing the Buck)

25 (2)If Asarulislam would of followed due process,under the direction of  
26 a(Mental Health Director)that KVSP does not have,I would (not)have been  
27 subjected to serious pain in a ten hr.transfer to HDSP that lead to further  
28 G.B.I. including more broken bones at HDSP becaues I did (not)-----

CONTINUED ON PG 15

*James W. Mullner 8/21/14*

1 Pg 15 SUPPORTING FACTS CASE #1;13-CV-02029-SAB-(PC) CONTINUED -----

2 (2) receive the medical care I needed at KVSP.This rongfull transfer,with  
3 lack of(due process) also causing mental injury.

4 (3) Asarulislam is guilty of violating my 8th Amendant Right,crule and-  
5 unuseual punishment,deliberate indefference to my serious medical need.  
6 There was physical injury,making the mental injury valid,Thus making the  
7 pleader intitlled to relief.

8

9 (1) DEFENDANT DR.N.KUMAR;Conspired with defendants J.Blackwell and-  
10 Asarulislam to send me to HDSP for a mental health health follow up on  
11 7/17/13 without being treated for my G.B.I.s including broken bones that  
12 were caused by three defendants in this case,using excessive force and  
13 the atempted murder of myself.Kumar acted in behalf of the defendants  
14 in this case to avoid liability pointed at KVSP by (not)letting me see  
15 a DR.or an Ortho DR. befor the ten hr.transfer to HDSP (passing the buck).

16 (2) If Kumar would of followed due process,under the direction of a-  
17 (Mntal Health Director) that KVSP does not have,I would (not) have been  
18 subjected to serious pain in a ten hr.transfer to HDSP that lead to further  
19 G.B.I. including more broken bones at HDSP because I did (not)receive  
20 the medical care I needed at KVSP.This rongfull transfer,with the lack  
21 of(due process)also caused mental injury.

22 (3) Kumar is guilty of violating my 8th Amendant Right,crule and unuseual  
23 punishment,deliberate indifference to my serious medical need.There was  
24 physical injury,making the mental injury also valid.Thus making the Pleader  
25 intitlled to relief.

26

27 (1) DEFENDANT Dyd CAPTAIN HIXON;Conspired with defendants in this case  
28 or (pass the buck)of the liability pointed at KVSP for the actions-----

CONTINUED ON PG 16-----

*James W. Miller 8/21/14*

1 Pg 16 SUPPORTING FACTS CASE 1;13-CV-02029-SAB-(PC) CONTINUED ----

2 (1) of three of the defendants in this case using excessive force and the  
3 attempted murder of Plaintiff, causing G.B.I., broken bones and mental  
4 injury that lead to the attempt of suicide. Hixon did (not) see that due-  
5 process was done following this incident that happened on 7/14/13 Dyd  
6 KVSP. Hixon did (not) train his staff the due process of the handling of  
7 A.D.A. disabled, mental health, elder inmates as myself.

8 (2) To cover up the actions of the defendants that caused my G.B.I. Hixon  
9 conspired with other defendants to have me transferred to HDSP without  
10 seeing a DR or an ortho DR. to (pass the buck) voiding KVSP liability. Causing  
11 further G.B.I. at HDSP because I did not receive treatment for my G.B.I.  
12 before leaving on a ten hr transfer to HDSP. G.B.I.s consisted of more  
13 broken bones, severe pain, mental injury.

14 (3) Hixon is guilty of violating my 8th Amendment Right, crule and unuseual  
15 punishment, deliberate indifference to my serious medical need. There was  
16 physical injury making the mental injury also valid. Thus making the Pleader  
17 intitled to relief.

18

19 (1) DEFENDANT CAL. HEALTH CARE SERVICES; I filed a medical 602 at the third  
20 level to this defendant asking for relief to my Valley Fever symptoms,  
21 lung scaring, lung lesions, anemia-low hemoglobin, causing shortness of  
22 breath, fainting, chest pain (I was denied). Their response stated, they retrieve  
23 electronicly from CDC KVSP medical records, selecting from records to  
24 discredit my serious medical need. Working for KVSP to cut costs & liability

25 (2) The law is clear, medical records can (not) be transferred out of KVSP  
26 without witnesses and signatures. Further more KVSP can have nothing to  
27 do with a 3d level appeal what so ever.

28 (3) Because my appeal was not reviewed legally, on 7/14/13 -----

CONTINUED ON PG 17-----

*James W. Millner 6/21/14*

1 Pg 17 COUNT 2 SUPPORTING FACTS CASE 1;13-CV-02029-(PC) CONTINUED----

2 (3) and I did not receive medical care for my Valley Fever side effects.

3 These actions on 7/14/13 lead to three defendants on KVSP Dyd,during  
4 an escort to use excessive force with the attempt to murder me because  
5 I was not able to keep up with there fast pace escort,causing me G.B.I.s.

6 (4)On 7/17/13 still untreated,fainting caused further G.B.I.-broken wrist-  
7 arm.Cal.health Care has caused me to go through an unbleavable amount  
8 of pain and mental injury that lead to my attempt at suisideand I am still  
9 going through an unbleavable amount of pain waiting for futher surgery.

10 (5)Cal. Health Care is guilty of violating my 8th Amendant Right,crule-  
11 and unuseual punishment,inadequate medical care,deliberate indefference  
12 to my serious medical need.There was physical injury making the mental  
13 injury valid and the Pleader intitled to relief.

14 (1) DEFENDANT KVSP C.M.O.; Nothing is allowed to take place in the medical  
15 department or disallowed unless the C.M.O. approves.I was denied medical  
16 treatment for my Valley Fever side effects by KVSP medical.On 7/14/13  
17 Dyd KVSP this action caused me G.B.I.s because I was unable to keep up  
18 with a fast pace escort.

19 (2)On 7/17/13 C.M.O. allowed me to be transfered to HDSP untreated causing  
20 further G.B.I. broken wrist-arm.C.M.O. did not get my surgery done inaa  
21 timely manor,It took over 60 days to get surgery on my wrist-arm.according  
22 to Ortho DR.Alade this time laps caused permanant disability injury.at  
23 this point I am waiting for futher surgery to correct some disability.

24 (3) C.M.O is guilty of violating my 8th Amendant Right,crule and unusual--  
25 punishment,diliberate indefference to my serious medical need.There was  
26 physical injury ,making the mental injury also valid.Thus making the  
27 Pleader intitled to relief.

28

*James W. Mullins 8/24/14*

1 Pg 18 SUPPORTING FACTS CASE# 1;13-CV-02029-SAB-(PC) COUNT 2

2 DEFENDANT WARDEN MARTIN BITER;Hired Associate Warden Patrick Denney  
3 to work under him as him.Warden Biter accepts all responsibility for  
4 Associate Warden Patrick Denny's actions because Denney is acting as  
5 Warden Biter.On7/14/13 Apx 10.00 pm Denny ordered defendants right after  
6 they assaulted me with excessive force and attempted murder causing me  
7 G.B.I. and raising my mental health stress level to the point that I  
8 attempted suicide,to take me out to Delano Hospitol for X rays on G.B.I.  
9 I was treated badly-cruley by these Officers.

10(2)Denney put me in grave danger that night,in fear for my life.Denney  
11 allowed these Officers to transport me,to put fear in me,tring to cover  
12 these Officers tracts concerning there excessive use of force that caused  
13 my G.B.I. and mental injury.The Hospitol DR. gave the order to denny  
14 that I needed to see an Ortho DR.first thing in the morning,Denney did  
15 not comply or even let me see a MD.before he put me on a ten hr.transfer  
16 to HDSP that I suffered in severe pain in his act of (PASSING THE BUCK).

17 (3) Denney tring to avoid G.B.I. issues by transfer only caused further  
18 G.B.I. at HDSP,broken arm wrist,because I did not receive proper medical  
19 care befor leaving KVSP.

20 (4) I am on a sensitive needs yard,Warden Bitters Officers have a documented  
21 history of violating mental health A.D.A.inmates 8th amendment Rights  
22 and has done nothing obviously to stop it or how to handle such delicate  
23 A.D.A mentally challanged inmates.Warden Biter does not hire a Mental  
24 Health Director to see that M.H.inmates as myself Civil Rights are not  
25 violated.

26 (5) Warden Biter violated my 8th Amendant Right,allowing crule and unuseual  
27 punishment,inadequate medical care or (no)M.C. with deliberate indifference  
28 to my serious medical need.There was physical injury thus also allowing for  
Pleaders intitlement to mental injury.

*James W. Miller 8/21/14*



Pg 19 COUNT 3 ADMINISTRATIVE DUE PROCESS--SUPPORTING FACTS--CASE 1;13-CV-----  
-- 02029-SAB-(PC)

1  
2 (1) DEFENDANT R.SPEIDELL; found the charges against me that were filed  
3 on 7/14/13 to be invalid that lead to officers during escort to use  
4 excessive force causings my G.B.I.s and keeping me in Ad-Seg for five  
5 mounths in severe pain.It caused hardship in relation to the ordinary  
6 incidents of prison life,Church,law library,phone,canteen,packages,visiting  
7 assoçiating with other inmates.R.Spidell found me guilty of lesser included  
8 administrative violation.Because there was a suicide involved in the  
9 incident,Speidell should of had the reporting officer file a chrono  
10 only,no charges as due process requires.Chief Disciplinary officer  
11 ordered a re hearing.I spent five mounths in Ad-Seg due to Speidell  
12 violating all due process time limits for a hearing.

13 (2) Speidell violated my 8th Amendant and 14th Amendant Rights making  
14 the Pleader intitled to relief.

15 (1)(Re Hear SHO Widdle was 3/20/14)

16 (1) DEFENDANT WADDLE;I went before Waddle as Sho for a re hearing of  
17 the charges that were filed on 7/14/13 and were found invalid by Sho.  
18 I asked about my witnesses and she came unglued with ferce anger calling  
19 me stupid,she screamed,dont you f--king ask questions,only me.Waddle  
20 ordered Sgt.Williams to cuff me up from behind untill I learn to shut  
21 the f--k up.I told the Sgt.that my wrist-arm was broken,that I had a  
22 waist chain chrono in my pocket,Sgt.replied,I dont give a f--k about  
23 what you got you f--ing punk then cuffed me from behind severly hurting  
24 my broken G.B.I. Waddle stated I dont give a f--k about law suits clearly  
25 in retaliation for filing this civil complaint,also finding me guilty  
26 giving me more time C.T.Q.against all due process,depriving me further  
27 causing hardship in relation to the ordinary incidents of prison life.  
28 Church,law library,phone,canteen,packages,visiting,-----

CONTINUED on Pg 20-----

*James W. Muller 8/21/14*

1 Pg 20 COUNT 3 ADMINISTRATIVE DUE PROCESS SUPPORTING FACTS CASE # 1;13--  
2 CV-02029-SAB-(PC) CONTINUED.

3 (1) associating with other inmates.

4 Waddle violated all due process for a re hearing, violating my 8th--1st.  
5 and 14 Amendmant Rights making the Pleader intitled to relief. Because  
6 there was physical injury G.B.I, involved with the 115 that lead to this  
7 re hear and physical injury was caused during the re hear, mental injury  
9 is also valid, making the pleader intitled to relief.

10

11 (1) DEFENDANT WILLIAMS; On 3/20/14 Williams assisted SHO Widdle that  
12 evolved form the 115 that was issued on 7/14/13 that involved me receiving  
13 G.B.I. and mental injury. During the re hear Williams followed orders from  
14 SHO to inflict injury to my G.B.I broken wrist-arm un till I learn to  
15 not speak, by cuffing me from behind tightly. I told Williams I had A medical  
16 waist chain chrono to prevent futher injury to my G.B.I. Williams stated  
17 I dont give a f--ck what you got you fucking punk and continued to injure  
18 me physicaly and mentaly.

19 (2) Williams violated all due process for a re hearing, violating my 8th--  
20 1st. and 14 Amendant Right Because there was physical and mental injury  
21 involved with the 115 that lead to this rehearing. There was physical and  
22 mental injury also during the re hearing the Pleader is also intitled  
23 to the mental injury.

24

25 (1) DEFENDANT P. VERA A.W.; Chieh Vera see to it that Defendant Widdle and  
26 Williams had experience and could conduct a re hearing on 3/20/14 that  
27 they violated my 8th, 1st, and 14 Amendant Right. I filed a CDCR 1858 Staff  
28 complaint that Chief Vera did not give due process. -----

CONTINUED ON PG 21 -----

*James W. Williams 8/21/14*

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~~XX~~ COUNT 3 ADMINASTRATIVE DUE PROCESS CASE#1;1;-CV-02029-SAB-(PC)CONTINUE

(2) Chief Vera allowed defendant Waddle to up my charges give me more time C.T.Q. against Title 15 and D.O.M.aded credit points stoping my level 3 transfer.Causing hard ship in relation to the ordinary incidents of prison life.Church,law library,phone,canteen,packages,visiting,assoc-----iating with other inmates,medical access without having my G.B.I.injury cuffed causing pain.

(3) Chief Vera violated my 8th. and 14 Amendant Right.alowing Widdle to inflict more pain and mental injury and punishment in retaliation for fillèing this complaint.Because there was physical injury involved Plaintiff or Pleader is intitled also to the mental injury.

Dear;Judge Boone, Clerk Of The Court;Thank you for reading my complaint.

SINCERLY  
James W.Millner F-83475  
KVSP P.O.Box 5104 C-2-110  
Delano, Ca.93216

*James W. Millner 8-21-14*

PROOF OF SERVICE BY MAIL

BY PERSON IN STATE CUSTODY

(Fed. R. Civ. P. 5: 28 U.S.C. § 1746)

I, James W. Millner, declare:

I am over 18 years of age and a party to this action. I am a resident of KVSP  
Prison.

in the county of Kern County

State of California. My prison address is: James W. Millner F-83475  
KVSP P.O. Box 5104 C-2-110 Delano, Ca. 93216

On Aug. 21-2014  
(DATE)

I served the attached: Amendand complaint 42 1983 C.V. second amend.

Millner VS. Martin Biter, ET AL., KVSP *Motion for Attorney*  
(DESCRIBE DOCUMENT)

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named correctional institution in which I am presently confined. The envelope was addressed as follows:

Office Of The Clerk Eastern District Room 1501  
United States District Court 2500 Tulare St. Fresno, Ca. 93721

I declare under penalty of perjury under the laws of the United States of America that the forgoing is true and correct.

Executed on 8/21/14  
(DATE)

*James W. Millner*  
(DECLARANT'S SIGNATURE)